

REMARKS**1. Application Status**

Applicant appreciates the Examiner's acknowledgement of its election of Group I claims with traverse. Applicant also appreciates the Examiner's acknowledgement that Claims 1-13 and 17-20 are currently included in those pending in this application.

2. Claim Disposition

Applicant again appreciates the Examiner's acknowledgement that Claims 1-13 and 17-20 are currently pending in this application and that the amendments filed on October 6, 2005 and March 31, 2009 have been received and entered.

3. Specification

The Examiner has objected to the specification because not all uses of trademarks are capitalized or accompanied by the generic terminology. Applicant has replaced the cited incorrect use and refers the Examiner to the specification amendments filed concurrent with this response.

The Examiner has also objected to the title of the invention and suggested the title, "A Method For Preparing Protein-Polymer Conjugates." Applicant herein accepts the Examiner's suggestion with a slight modification to the title to include, "Materials and Methods for Preparing Protein-Polymer Conjugates." Application refers the Examiner to the specification amendments filed concurrent with this response.

Lastly, the Examiner has objected to the specification because the first page does not mention that the instant application is a 371 of PCT/US04/10995. Applicant again directs the Examiner to the amendments to the Specification filed concurrent with this response.

4. Drawings

Applicant appreciates the Examiner's acknowledgement of the drawings filed on October 6, 2005 and the acceptance of the same.

5. Information Disclosure Statement

Applicant appreciates the Examiner's acknowledgement of receipt and entrance of the Information Disclosure Statement filed on May 1, 2006. Applicant also appreciates the Examiner's acknowledgement that the references cited on the PTO-1449 Form have been considered.

6. Rejection of claims 1-13 and 17-20 under 35 U.S.C. 112, first paragraph

The Examiner has rejected claims 1-13 and 17-20 under 35 U.S.C. 112, first paragraph for the reasons of record. Specifically, the Examiner states that the referenced claims are not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant directs the Examiner's attention to the amendments made to Claims 1 and 18 that address the rejection of record. Such amendments were made without disclaimer of the subject matter therein and Applicant specifically reserves the right to file one or more divisionals on the original subject matter. Support for such amendments may be found in paragraphs 39-44, 49 and 54.

The Examiner has also rejected Claim 3 as being directed to a genus of "amino reactive derivatives thereof" that are not adequately described. Applicant specifically directs the Examiner's attention to paragraphs [0049] and [0054] wherein two of the recited hydrophilic polymers are reduced to practice. Additionally, Applicant respectfully asserts that all

representative hydrophilic polymers recited in Claim 3 are based on polyethylene glycol as it is the predominant component of the molecular weight of each illustrative hydrophilic polymer and, as such, greatly determines the activity of each one. One skilled in the relevant art is very familiar with polyethylene glycol, how it behaves and, additionally, is very familiar with all illustrative hydrophilic polymers listed in Claim 3. The specification also specifically recites ways of using two of them. In light of the above, the specification clearly provides adequate written description and one skilled in the art would conclude that the Applicant had possession of the claimed invention at the time the instant application was filed.

In light of the above, Applicant respectfully requests withdrawal of the rejections against 1-13 and 17-20 under 35 U.S.C. 112, first paragraph.

7. Rejection of claims 1-13 and 17-20 under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 1-13 and 17-20 under 35 U.S.C. 112, first paragraph for the reasons of record. Specifically, the Examiner states that the referenced claims are not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Applicant respectfully directs the Examiner's attention to the remarks above and claim amendments attached to this Response. In light of the same, Applicant respectfully requests withdrawal of the rejections of record against claims 1-13 and 17-20 under 35 U.S.C. 112.

8. Rejection of claims 1-11 under 35 U.S.C. 102(e)

The Examiner states that claims 1-11 are rejected under 35 U.S.C. 102(e) as anticipated by Lewis et al. (U.S. Patent No. 6,706,289). Herein, Applicant includes a Declaration signed by Dr. Paul Schmidt, an inventor in this pending application, stating that the subject matter of the disclosures in the Lewis Patent (U.S. Patent No. 6,706,289) referenced in the Office Action on page 8 were

derived from Dr. Schmidt. As such, the subject matter of the disclosure was derived from an inventor of this pending application and not another (Lewis, Schmidt and Hinds – inventors of the 6,706,289 Patent).

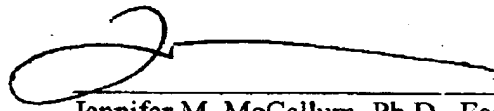
In light of the above remarks and attached Declaration, Applicant respectfully requests the rejections of record against claims 1-11 under 35 U.S.C. 102(e) be withdrawn.

Concluding Remarks

In view of the foregoing remarks, Applicant respectfully requests reconsideration and examination as to the merits of the application. If the Examiner notes any further matters which would be expedited by a telephonic interview, she is requested to contact Dr. Jennifer M. McCallum at the telephone number listed below.

Respectfully Submitted,

1-19-10
Date


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